

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

DECLARATION OF DAN SEYMOUR

I, Dan Seymour, declare that the following statements are true and correct to the best of my knowledge and belief:

1. I am employed by Oppenheim + Zembrak, LLP (“O+Z”), which represents the Plaintiffs in this action.

2. I submit this declaration in support of Plaintiffs’ Memorandum of Law in Opposition to Defendants’ Motion to Transfer Venue. I have knowledge of the facts stated herein based on personal knowledge and my review of documents available to me. If called upon to do so, I am able to testify competently to the matters as stated herein.

3. I have worked for O+Z since October 3, 2016. My responsibilities at O+Z focus on investigation and enforcement relating to counterfeiting and online piracy matters for O+Z clients. I have been involved in anti-piracy matters for over twenty years. Prior to joining O+Z, I was Director of Anti-Piracy for CoStar Group, an online commercial real estate database firm. Reporting directly to the General Counsel, I directed the efforts of the Anti-Piracy team to protect CoStar’s intellectual property from theft by competitors, as well as account/credential theft relating

to unauthorized access to the industry-leading subscription database. Before CoStar, I was Senior Manager, Anti-Piracy Internet Enforcement, for the Entertainment Software Association (“ESA”), the trade group for the video games industry. While at the ESA, I re-oriented the strategic and operational focus of the overall global online enforcement activities to align with changing landscapes and worldwide challenges. I implemented a variety of proactive and reactive programs and developed innovative strategies for creative enforcement efforts designed to limit the impact of the highest value violators. Prior to the ESA, I was Senior Internet Investigations Manager for the Motion Picture Association of America (“MPAA”), the trade group for the major Hollywood movie studios. While at the MPAA, I was responsible for the formulation and implementation of the overall worldwide enforcement strategy for combatting the piracy of member-company content on the Internet. I led and coordinated global investigations into the illegal Internet distribution of members’ properties. Prior to the MPAA, I was a Managing Director at CoreFacts and Decision Strategies/Fairfax International, where I was primarily responsible for conducting computer forensics analyses and other high-tech investigations.

4. Plaintiffs collected data regarding online infringement that occurred through Cox’s network in 2013 and 2014. The data includes the IP addresses associated with Cox subscribers identified as infringing Plaintiffs’ copyrights.

5. There are publicly available databases that identify the geographic location of IP addresses. An IP address database contemporaneous to the period of infringement was used to look up the geographic location of Cox IP addresses associated with multiple infringements of Plaintiffs’ works in 2013 and 2014. Of those, 2,010 Cox IP addresses associated with multiple infringements of Plaintiffs’ works appeared to be located in Virginia. For comparison, 194 Cox IP

addresses associated with multiple infringements of Plaintiffs' works appeared to be located in Georgia.

6. Attached as **Exhibit A** is a true and correct copy of excerpts from the trial transcript of the December 2015 trial of *BMG Rights Management LLC, et al., v. Cox Communications, Inc., et al.*, Case No. 1:14-cv-01611-LO-JFA, in the United States District Court for the Eastern District of Virginia.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 10/9/2018 in Washington, District of Columbia.



Dan Seymour